

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FEDERAL SIGNAL CORPORATION,

Civil No. 07-4422 (JRT/JJK)

Plaintiff,

v.

ORDER

MATTHEW MILLER d/b/a VIPER
LIGHTBAR COMPANY AND N.W.
PUBLIC SAFETY SUPPLY COMPANY,

Defendant.

This matter is before the Court on the stipulation for entry of consent final judgment and permanent injunction filed by the parties on March 17, 2008, [Docket No. 6].

IT IS HEREBY ORDERED that:

1. That Defendant, its agents, representatives, servants, employees, and all those acting in concert or participating therewith are hereby permanently enjoined:

a. From manufacturing or causing to be manufactured, importing, advertising or promoting, distributing, selling or offering to sell goods bearing the VIPER Mark; from infringing, counterfeiting, or diluting the VIPER Mark; from using the VIPER Mark or any mark similar thereto, in connection with the sale of any goods;

b. From using any logo, trade name, trademark, or domain name which may be calculated to falsely advertise the services or products of the

Defendant as being sponsored by, authorized by, endorsed by, or in any way associated with the Plaintiff;

c. From falsely representing themselves as being connected with the Plaintiff, through sponsorship or association, or engaging in any act which is likely to cause members of the trade and/or the purchasing public to believe any goods or services of the Defendant is in any way endorsed by, approved by, and/or associated with the Plaintiff;

d. From affixing, applying, annexing, or using in connection with the sale of any goods a false description or representation, including words or other symbols tending to describe or represent Defendant's goods falsely as being those of the Plaintiff or in any way endorsed by the Plaintiff, and from offering such goods in commerce; and from otherwise unfairly competing with the Plaintiff.

2. That Defendant recalls all the marketing, promotional and advertising materials and edit any websites that bear or incorporate the VIPER Mark, or any mark confusingly similar to Federal Signal's VIPER Mark;

3. That Defendant transfers the domain name www.viperlightbars.com to Plaintiff.

4. That Defendant delivers to Federal Signal's attorneys or representatives for destruction all product and/or packaging in your possession, custody, or control bearing the VIPER mark, as well as all advertising and promotional material relating thereto.

5. Any party shall have the right to seek sanctions for contempt, compensatory damages, injunctive relief, attorneys' fees, costs, and other relief deemed proper in the event of a violation or failure to comply with any of the provisions hereof.

6. This cause of action between Federal Signal Corporation and Defendant Mathew Miller d/b/a Viper Lightbar Company and N.W. Public Safety Supply Company (“Defendant”) is hereby **DISMISSED WITH PREJUDICE**, subject to the terms of the Settlement Agreement between the parties. This Consent Judgment shall be conclusive for purposes of collateral estoppel regarding all issues that have been or could have been brought on the same operative facts.

7. The parties’ respective attorneys’ fees and costs incurred in connection with this action shall be borne as per the agreement of the individual parties on their Settlement Agreement.

8. This Court will retain continuing jurisdiction over this cause to enforce the terms of this Consent Judgment and the Settlement Agreement between the parties.

DATED: November 3, 2009
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge